

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE TFT-LCD (FLAT PANEL)  
ANTITRUST LITIGATION

) Master File No. M07-1827 SI

) MDL No. 1827

This Documents Relates to:

ALL DIRECT PURCHASER ACTIONS

) **[PROPOSED] ORDER GRANTING  
KONINKLIJKE PHILIPS  
ELECTRONICS N.V.'S MOTION TO  
DISMISS THE DIRECT PURCHASER  
PLAINTIFFS' CONSOLIDATED  
AMENDED COMPLAINT**

) Date: April 30, 2008

) Time: 2:00 P.M.

) Judge: The Honorable Susan Illston

WHEREAS, on February 19, 2008, Defendant Koninklijke Philips Electronics N.V. ("Royal Philips") filed its *Motion to Dismiss the Direct Purchaser Plaintiffs' Consolidated Amended Complaint* (the "Motion");

WHEREAS, Plaintiffs have filed submissions in opposition to the Motion;

WHEREAS, Royal Philips has filed reply submissions in further support of the Motion;

WHEREAS, this Court has heard oral argument on the Motion on April 30, 2008;

WHEREAS, this Court has reviewed and considered the written submissions and oral arguments of the parties in connection with the Motion;

1 WHEREAS, this Court has determined that the Court lacks personal jurisdiction over  
2 Royal Philips in connection with this action;

3 WHEREAS, this Court has further determined that the claim asserted against Royal  
4 Philips in the *Direct Purchaser Plaintiffs' Consolidated Amended Complaint* fails to state a claim as to  
5 which relief can be granted;

6 WHEREAS, this Court finds that good cause exists to grant the Motion in full;

7 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

8 1. Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, this Court does not  
9 have jurisdiction over Defendant Koninklijke Philips Electronics N.V.;

10 2. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the *Direct*  
11 *Purchaser Plaintiffs' Consolidated Amended Complaint* fails to state a claim upon which relief can be  
12 granted;

13 3. Accordingly, the Motion is hereby GRANTED in its entirety; and

14 4. Plaintiffs' Complaint is hereby DISMISSED WITH PREJUDICE as to Defendant  
15 Koninklijke Philips Electronics N.V.

16 Dated: \_\_\_\_\_

17 \_\_\_\_\_  
18 The Honorable Susan Illston  
19 United States District Judge  
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Submitted by:

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